Modification in clause No. A-15 Sale of Power Of Hydel Policy dated 15.09.2005, regarding Development of Small Hydro Projects through private sector participation.

Government of Maharashtra
Water Resources Department

Government Resolution No. HEP-1209/(143/2009)/HP,

Mantralaya, Mumbai -400 032.

Dated : 31/10/ 2009.

Read : **1) G.R.No. PVT-1204/(160/2004) /HP, dated 15th September 2005.**

2) G.R.No. PVT-1207/(406/2007) /HP, dated 22nd December 2008.

Preamble:

There is a deepening crisis of power shortage in Maharashtra State.In view of this following provision "Maharashtra Electricity Distribution Company shall have first right of refusal"was included. in clause No.A-15 **"Sale of Power"** of Government Resolution dated 15.09.2005 regarding hydel policy for development of small hydro projects through private sector participation,

The clause **"Sale of Power"** is further reproduced by MERC in order dated 9th November 2005 for fixation of tariff for Small Hydro Projects as clause No. 3.58.

In light of the provisions of Electricity Act, 2003, an entrepreneur had filed a petition under Case No. 85 of 2006 requesting MERC to review the provision of **"**Maharashtra Electricity Distribution Company shall have first right of refusal**"** appearing in the clause No. 3.58 of MERC's order dated 9th November 2005.

Accordingly MERC vide order dated 7th November 2007 has considered the petitioner's request and deleted the provision of **"**Maharashtra Electricity Distribution company shall have first right of refusal**"** from their order dated 9th November 2005.

In light of these development, clause No.A-15 **"**Sale of Power**"** of Hydel Policy dated 15th September, 2005 was modified, vide G.R.No. PVT-1207/(406/2007) /HP, dated 22nd December 2008. In view of this modified clause, it is mandatory that fifty percent (50%) of the generated electricity shall be sold to Maharashtra State Electricity Distribution Company Ltd.(MSEDCL) and remaining fifty percent (50%) of the generated electricity shall be sold in Maharashtra to any consumer or distribution Licensee.

However, Industry, Energy & Labour Department vide GR No.अपाऊ-२००९/प्र.क्र.१५२८/उर्जा-७/दिनांक ०३ ऑगस्ट, २००९, has permitted 100% generated electricity from Small Hydro Projects

(upto 25 MW) to be sold in Maharashtra to any consumer or distribution Licensee.

In view of these developments, further modifications to clause No.A-15 *"Sale of Power"* of G.R.dated 22.12.2008 are necessary.

RESOLUTION :

Clause No.A-15 *"Sale of Power"* of Government Resolution, Water Resources Department dated 22.12.2008 shall be read as under :

A-15 " SALE OF POWER "

"Considering the present acute power shortage situation in Maharashtra, it is necessary in larger public interest that, the power generated from Hydro projects (upto 25 MW Capacity) shall be consumed in Maharashtra. Therefore exercising the powers as per provisions of section 108 of Electricity Act, 2003, it is mandatory that, hundred percent (100%) of generated electricity shall be sold in Maharashtra to any consumer or distribution Licensee".

The modified clause is applicable from the date of issue of this Government Resolution.

This Government Resolution is available on the website "**www.maharashtra.gov.in**" of Government of Maharashtra and its computer code no is...20091031183927001.

By order and in the name of the Governor of Maharashtra,

(S.R. Bavaskar)
Under Secretary
to Govt. of Maharashtra

Copy to:

The P.S. to Hon. Chief Minister, Maharashtra State, Mantralaya, Mumbai- 400 032.
The P.S. to Hon. Deputy Chief Minister, Maharashtra State, Mantralaya, Mumbai-400 032.
The P.S. to Hon. All Ministers, Maharashtra State, Mantralaya, Mumbai -400 032.
The P.S. to Hon. All State Ministers, Maharashtra State, Mantralaya, Mumbai -400 032.
The Chief Secretary, Maharashtra State, Mantralaya, Mumbai- 400 032.
The Additional Chief Secretary (Finance), Finance Department, Mantralaya, Mumbai-32.
The Additional Chief Secretary (Planning), Planning Department, Mantralaya, Mumbai-32.
The Principal Secretary (Energy), Industries, Energy and Labour Department, Mantralaya, Mumbai -400 032.
The Principal Secretary (Industries), Industries, Energy and Labour Department, Mantralaya, Mumbai -400 032.
The Principal Secretary (Labour), Industries, Energy and Labour Department, Mantralaya, Mumbai -400 032.
The Principal Secretary (Legal Remembrances), Law &Judiciary Department, Mantralaya, Mumbai-400 032.
The Secretary (Water Resources), Water Resources Department, Mantralaya, Mumbai- 400 032.
The Secretary (CAD), Water Resources Department, Mantralaya, Mumbai- 400 032.
All Chief Engineers & Joint Secretaries, Water Resources department, Mantralaya,Mumbai-400 032.
The Chairman, Maharashtra Electricity Regulatory Commission, Mumbai (By letter).
The Managing Director, MSEB Holding Company Ltd., Prakashgad, Mumbai -400 051.
The Managing Director, Maharashtra State Transmission Co.Ltd., Prakashgad, Mumbai-400 051.
The Managing Director, Maharashtra State Electricity Distribution Co. Ltd., Prakashgad, Mumbai-51.
The Managing Director, Maharashtra State Power Generation Co.Ltd., Prakashgad, Mumbai-400 051.
All Executive Directors and Chief Engineers of all Irrigation Development Corporations.

The Chief Engineer (Electrical), Hydro Projects, Water Resources Department, Mumbai -400 001.
All Regional Chief Engineers of Water Resources Departments.
The Directorate General of Information and Public Relations, M.S., Mantralaya, Mumbai -400 032.
The Director, Maharashtra Energy Development Agency (MEDA), MHADA Commercial Complex, 2nd floor, Opposite Tridal Nagar, Yerwada, Pune-411 006.
All Superintending Engineers and Executive Engineers in Water Resources Departments.
The Librarians, Maharashtra Legislative Assembly, Maharashtra State, Vidhan Bhavan, Mumbai.
Hydro Project Desk for collection.